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jdt.

07.12.2021
jb.

W.P.A. 20819 of 2019
(CAN 1 of 2021 and CAN 2 of 2021)
(Smt. Chitralekha Sarkar & Ors. vs. State of West Bengal & Ors.)

Mr. Arpan Guha
.... For the Petitioners

Mr. Soumitra Bandyopadhyay
.... For the State

Re: CAN 1 of 2021 and CAN 2 of 2021

Sufficient grounds being made out by the petitioners with regard to delay in filing the substitution application, CAN 2 of 2021 is allowed. Delay in filing the substitution application is condoned.

CAN 2 of 2021 is disposed of.

It is submitted on behalf of the petitioners that the petitioner No. 5 expired on 27th November, 2020 and his legal heir may be substituted in his place. Accordingly, the legal heir of the petitioner No. 5 be substituted in place of the said petitioner No. 5 (since deceased) and the cause-title be amended accordingly.

CAN 1 of 2021 is disposed of.

Re: W.P.A. 20819 of 2019

Heard the learned counsels for the parties.

The petitioners submit that the land in question was leased out to their predecessor-in-interest by the Government of West Bengal by virtue of deed of lease executed in 1959 and possession of the said land was delivered on 19th March, 1984. After demise of

the original lessee, the petitioners have stepped into his shoes as his legal heirs. The petitioners filed an application before the competent Authority on 28th November, 2018 requesting the Urban Land Ceiling Clearance in their favour. The petitioners' grievance is that such application of the petitioners was rejected by the competent Authority by a letter dated 30th September, 2019 without assigning reasons therefor. The petitioners have referred to a Notification issued by the Urban Development Department, Jalasampad Bhavan, Bidhan Nagar, Kolkata-700091 dated 19th December, 2005 which deals with grant of exemption of excess vacant land in favour of the lessee.

The petitioners seek liberty to file a fresh application before the 2nd respondent in terms of the said Notification and pray for a direction upon the State respondents to consider the application within a stipulated period of time.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of with liberty to the petitioners to file an application before the 2nd respondent in terms of the Notification dated 19th December, 2005 within a fortnight from date. The 2nd respondent shall consider and dispose of the said application within two months from the date of receipt thereof, after granting reasonable opportunity of hearing to the interested parties including the petitioners, in accordance with law.

W.P.A. 20819 of 2019 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)